

Am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,284	07/06/2000	Herbert Bachler	32794	5343

116 7590 05/29/2003

PEARNE & GORDON LLP
526 SUPERIOR AVENUE EAST
SUITE 1200
CLEVELAND, OH 44114-1484

EXAMINER

DABNEY, PHYLESHEA LARVINIA

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 05/29/2003

60

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,284

Applicant(s)

BACHLER ET AL

Examiner

Phylesha L Dabney

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the application filed on 6 July 2000 in which claims 1-11 are pending.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the signal processor incorporating a "selecting input" as opposed to a the selecting input being a separate unit of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Art Unit: 2643

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. Also, the examiner objects to the abstract because the term "resp" is not clearly defined.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

5. Claim 9 is objected to because of the following informalities: the ability of the system to have multiple peripherals was not presented earlier in the claim. Appropriate correction is required.
6. Claims 9-10 are objected to because of the following informalities: these claim does not set forth any step language involved in the method/process. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2643

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. ⁽³⁾ Claims 1, 2, 4, 7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinfurter (U.S. Patent No. 6,005,954).

Regarding claims 1 and 7, Weinfurter discloses a hearing aid comprising a central, digital signal processing unit (10, col. 3 lines 33-47) connected at its inputs and outputs to digital, hybrid, and/or analogue peripherals (14, 16, 20, 22, 24, 26) characterized in that at least some of the peripherals (20 which includes elements in fig. 12) each comprise one identification unit (32) of which the output is connected to the input of a comparator (30), the comparator being connected at its input (32) to a memory storing possible identifications while its output drives a configuration memory (34).

Regarding claim 2, Weinfurter discloses the comparator (20, 30 via signal 26) is connected to the operations-selecting input (col. 3 lines 55-60) of the digital signal processing unit. Also, see the drawing objection above

Regarding claim 3, Weinfurter discloses at least one bus and interfaces implement the connection (fig. 13, the transfer line between the memory and multiple calculation modules) between peripherals and the signal processing unit.

Regarding claim 4, Weinfurter discloses the hearing aid comprises an output (36) connected to the configuration memory (34).

Regarding claims 9-11, see the rejection of claim 1 as pertaining to the method of claims 9-11. Also, see the claim objection above.

rejection
of claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinfurtner (U.S. Patent No. 6,005,954).

Regarding claim 5, Weinfurtner does not teach the interfaces including three-wire and/or two-wire interfaces. However, the examiner takes official notice that it is known in the art to use two-wire or three-wire interfaces (integrated circuits, ICs) to allow multiple peripherals the ability to transmit and receive information via an integrated circuit as opposed to multiple wiring structures. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two-wire and/or three-wire interfaces to simplify the wiring structure of the hearing aid.

Regarding claim 6, Weinfurtner does not teach using the audio signal components in the form of peripherals connected through a first bus and first interfaces to the signal processing unit and control components in the form of peripherals connected through a second bus and second interfaces to the signal processing unit, the first interfaces preferably being at least three-wire interfaces, the second interfaces preferably being at least two-wire interfaces, the former preferably being based on I²S interfaces and the latter preferably being based on I²C interfaces. However, the examiner takes official notice that it is known in the art to use two-wire or three-wire interfaces (integrated circuits, ICs) to allow multiple peripherals the ability to transmit and receive information

Art Unit: 2643

via an integrated circuit as opposed to multiple wiring structures. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two-wire and/or three-wire interfaces to simplify the wiring structure of the hearing aid. Furthermore, it would have been obvious to one of ordinary skill in the art to use two-wire interface connected to the control components for transmitting one line of data (one transmit/receiver signal) plus one clock line and three-wire interfaces connected to the audio components for transmitting two lines of data plus one clock line (such as a left and right audio signal) plus one clock line. Therefore, it would have been obvious to one of ordinary skill in the art to use multiple type of integrate circuit interfaces in the invention of Weinfurtner for transmitting and/or receiving different type of signals and simplifying the wiring structure.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinfurtner (U.S. Patent No. 6,005,954), in view of Weinfurtner (U.S. Patent No. 5,604,812).

Regarding claim 8, Weinfurtner does not teach the output (36) is in the form of a transceiver. Weinfurtner '812 teaches using a transceiver (22, col. 5 lines 33-44) for transmitting and receiving configuration data from a remote device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a transceiver output in the invention of Weinfurtner, as taught by Weinfurtner '812 to transceiver data from a remote device.

Art Unit: 2643

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L Dabney whose telephone number is 703-306-5415. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

(703) 306-0377, for customer service questions.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

PLD

April 25, 2003


STELLA WOO
PRIMARY EXAMINER